<center>Remarks</center>

Claims 22-24 are withdrawn from consideration.

The claims and specification are objected to. Applicant has amended the specification and claims in accord with the Examiner's comments so as to remove the noted objections.

Claims 1-11 stand rejected under 35 U.S.C. 101. Applicant has amended the claims in accord with the Examiner's comments. It is noted that the claims include elements such as optically scanning and electronically storing that could only be implemented by use of a machine.

Claims 1-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Houvener (WO 00/75,884). Applicant submits that the amendments provided hereinbefore and the discussion below respectfully traverse the rejection.

Claims 1-6

It is respectfully noted that a rejection under 35 U.S.C. §102(b) must contain every element recited in the claim in as complete detail as is contained in the claim and arranged as recited in the claim. The elements must be arranged as required by the claim. M.P.E.P. § 2131.

Contrary to the Examiner's statement that all elements of Applicant's invention are disclosed in the Houvener reference, Houvener does not disclose optically scanning the endorsed receipt ... **and for reading said machine-readable data on said paper receipt such that said machine-readable data is recognized.** Because Houvener does not recognize the machine-readable data during the step of optically scanning, Houvener clearly does not disclose **electronically storing said electronic**

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representation of said paper receipt utilizing said recognized machine-readable data.

Accordingly, the rejection is unsupported by the art and should be withdrawn. Applicant has carefully

reviewed the cited prior art and respectfully submits that Applicant's system is quite novel as

compared to Houvener or any other cited art.

Specifically referring to the Houvener specification, Houvener obtains transaction information

not from optically scanning the printed receipt itself but from a Point of Sale system 4 (See Houvener

FIG. 1 and page 13, lines 14-29).

As a practical matter, if the Houvener scanner, switches, control buttons, or network system,

have a breakdown, the Houvener receipt scanning system must apparently be bypassed to permit the

customer to proceed to avoid waiting for indeterminate lengths of time. The Houvener system may

also be subject to mix-ups whereby the electronic paper receipt is stored with the wrong transaction

data, e.g., the sales clerk may accidentally insert a discarded receipt into the machine. Houvener's

system appears to require optically scanning the receipt at the same time that the credit card transaction

occurs and immediately after the customer signs the receipt, which procedure may sometimes be

problematic. Thus, problems may arise in the Houvener system due to the time required when lines

are long. The Houvener system appears to be relatively slow since it apparently requires opening and

closing a cover to activate a pressure activated switch for each separate receipt (p. 18, lines 8-18) as

well as requiring buttons to be pushed for transmitting data for each separate receipt (p. 18, lines 25-

30).

On the other hand, embodiments of Applicant's claimed method permit scanning of the receipt

at any time, e.g., either at the same time as the transaction occurs or at another time which is more

convenient. If an equipment breakdown occurs, the scanner may be fixed and days later the

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transactions paper receipts can be scanned without any loss of accuracy. Mix-ups of receipts and transaction data are prevented in Applicant's system because the transaction data used for storing and retrieval is included on the paper receipt itself. Another practical effect is that Applicant's system may be implemented in a stand-alone system that does not need to be interfaced to a POS (point-of-sale) system to provide the transaction data utilized for storage and retrieval of the endorsed and scanned credit card paper receipts. In fact, no POS is required for Applicant's system whereby small merchants do not have to buy an expensive POS system to implement a highly efficient means for responding to chargebacks.

Clearly, Houvener does not contain every element recited in claim 1 in as complete detail as is contained in the claim and arranged as recited in the claim as required to support a rejection under 35 U.S.C. 102(b) . M.P.E.P. § 2131. Accordingly, Applicant respectfully submits that the rejection to claims 1 –6 should be withdrawn.

Claims 7-15

Applicant respectfully submits that Houvener does not disclose providing a web site on the Internet accessible by said plurality of purchasers or agents utilizing a computer at a different location than the location where said credit card financial transaction occurred, said web site providing credit card transaction information regarding transactions made by said plurality of purchasers during a selected time period, said web site being operable for providing a viewable copy of said respective of said plurality of receipts for a selectable credit card transaction. Because not all claim elements are disclosed in as complete detail as is contained in the claim and/or

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arranged as recited in the claim, the rejection is unsupported by the art and should be withdrawn.

The reference in the Office Action to page 16, line 4 - page 17, line 30 substantiates that

Houvener not only does not disclose the claimed features but also has no appreciation of the solution

provided by Applicant. Instead, Houvener restricts retrieval of the scanned endorsed receipt to the

merchant at the location of Houvener's transaction record data processor 10 (see page 16, lines 10-22).

In fact, Houvener does not disclose any web site at all. In more detail, only the merchant at the

location of Houvener's transaction data processor 10 can retrieve/view/and print the scanned image of

the endorsed receipt (see page 20, lines 8-26).   One advantage of a preferred embodiment of

Applicant's method is that the purchaser is able to connect to the web site to thereby view his/her

endorsement on a receipt (see claim 7) and/or the underlying items purchased (see claim 12). Under

Applicant's method, the "significant problem" of chargebacks for the merchants discussed by

Houvener (page 4, lines 7-33) may be completely obviated in perhaps the majority of cases because in

many cases the consumer simply has no memory or record of the purchase.

Because Houvener does not contain every element recited in claims 7-15 in as complete detail

as is contained in the claim and arranged as recited in the claim as required to support a rejection under

35 U.S.C. 102(b) as per M.P.E.P. § 2131, Applicant respectfully submits that the rejection to claims 7-

15 should be withdrawn and/or is traversed.

Claims 16-21

Houvener does not disclose **electronically storing said electronic representation of said**

paper receipt utilizing said recognized machine-readable data and should be withdrawn. Clearly,

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Houvener does not contain every element recited in amended claim 16 in as complete detail as is

contained in the claim and/or arranged as recited in the claim as required to make a *prima facie*

rejection under 35 U.S.C. 102(b) . M.P.E.P. § 2131.   Applicant respectfully submits that the rejection

to claims 16-21 is accordingly traversed and/or should be withdrawn.

Dependent claim remarks

With respect to claims 2 and 17, the Office Action states that it is inherent in Houvener's

system to utilize a receipt printer capable of printing bar codes on the paper receipt. However, this

type of printer is specialized and Houvener does not specifically provide a printer that prints bar codes

or any need to do so. Applicant respectfully submits the following quotes from M.P.E. P. §2112:

The fact that a certain result or characteristic may occur or be present in the prior art is

not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d

1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)(reversed rejection because inherency was

based on what would result due to optimization of conditions, not what was necessarily present

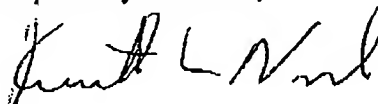in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).

In relying upon the theory of inherency, the examiner must provide a basis in fact

and/or technical reasoning to reasonably support the determination that the allegedly inherent

characteristic necessarily flows from the teachings of the applied prior art. Ex parte Levy, 17

USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

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Houvener's system certainly does not necessarily require such a printer and apparently does not even mention any such printer. Because the rejection clearly does not satisfy the requirements to establish a prima facie case for inherency as clearly stated by the M.P.E.P. and the courts, Applicant respectfully submits that the rejection is traversed as to claims 2 and 17.

Summary:

The cited reference does not disclose and plainly does not even suggest all the limitations of the claims. Accordingly, it is respectfully submitted that the rejections to claims 1-21 should be withdrawn and/or are now traversed. Accordingly, Applicant proposes that the application now stands in condition for allowance and earnestly requests that a Notice of Allowance to be issued forthwith in the near future.

Respectfully submitted,

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